



2665

PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

26

Application Number 09/853,816

Filing Date May 11, 2001

First Named Inventor Tobagi

Art Unit 2665

Examiner Name Phan

Attorney Docket Number PA1689US

**ENCLOSURES (Check all that apply)**

|  |   |  |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form  | <input type="checkbox"/> Drawing(s)                                       | <input type="checkbox"/> After Allowance Communication to TC   |
| <input checked="" type="checkbox"/> Fee Attached   | <input type="checkbox"/> Licensing-related Papers                         | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  |
| <input checked="" type="checkbox"/> Amendment/Reply  | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declaration(s)   | <input type="checkbox"/> Power of Attorney, Revocation                    | <input type="checkbox"/> Status Letter   |
| <input checked="" type="checkbox"/> Extension of Time Request  | <input type="checkbox"/> Change of Correspondence Address                 | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>1) Confirmation Postcard;<br>2) Duplicate Copy of Information Disclosure Statement;<br>(3) PTO-SB-08 (x2);<br>(4) Two Non-Patent References |
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| <input checked="" type="checkbox"/> Information Disclosure Statement   | <input type="checkbox"/> Request for Refund                               |  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)  | <input type="checkbox"/> CD, Number of CD(s) _____                        |  |
| <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application  | <input type="checkbox"/> Landscape Table on CD                            |  |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53  |   |  |
| <b>Remarks</b><br>Total page number does not include postcard.<br>Total page number does not include references. |   |  |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|              |                    |                 |
|--------------|--------------------|-----------------|
| Firm Name    | Carr & Ferrell LLP | Cust. No. 22830 |
| Signature    |                    |                 |
| Printed name | Susan Yee          |                 |
| Date         | May 9, 2005        | Reg. No. 41,388 |

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Tobagi et al.

APPLICATION NO.: 09/853,816

FILING DATE: May 11, 2001

TITLE: System and Method for Controlling Data Transfer Rates  
on a Network

EXAMINER: Man U. Phan

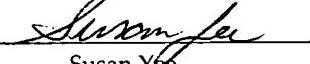
ART UNIT: 2665

ATTY. DKT. NO.: PA1689US

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Under 37 C.F.R. §§ 1.56, and 1.97-1.98

SIR:

Pursuant to the provisions of 37 C.F.R. §§ 1.56 and 1.97-98 of the Rules of Practice in Patent Cases, enclosed herewith is form PTO-SB-08 listing several references.

The Examiner is requested to make these references of official record in the application. The references cited may be material to examination of the application and

is submitted in compliance with Applicants' duty of disclosure as defined by 37 C.F.R. § 1.56.

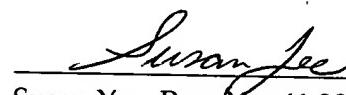
The Examiner is authorized to charge any fee due to **Deposit Account 06-0600**.  
A duplicate copy of this statement is enclosed for this purpose.

No representation is made or intended as to the completeness of this list, nor is the inclusion of any reference on this list an admission that it is prior art or pertinent to this application.

Respectfully submitted,  
Fouad Tobagi et al.

May 9, 2005

By:

  
\_\_\_\_\_  
Susan Yee, Reg. No. 41,388  
**Carr & Ferrell LLP**  
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TEL: (650) 812-3400  
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet

1

of

3

**Complete if Known**

|                        |              |
|------------------------|--------------|
| Application Number     | 09/853,816   |
| Filing Date            | May 11, 2001 |
| First Named Inventor   | Tobagi       |
| Art Unit               | 2665         |
| Examiner Name          | Phan         |
| Attorney Docket Number | PA1689US     |

**U. S. PATENT DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Document Number<br>Number-Kind Code <sup>2</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|--------------------|-----------------------|---|--------------------------------|--|---|
|                    |                       | US- 5,920,701   | 07-06-1999                     | Miller et al.                                      |   |
|                    |                       | US- 6,052,710   | 04-18-2000                     | Saliba et al.                                      |   |
|                    |                       | US- 6,560,651   | 05-06-2003                     | Katz et al.  |   |
|                    |                       | US- 6,775,665   | 08-10-2004                     | Piersol  |   |
|                    |                       | US- 6,427,140   | 07-30-2002                     | Ginter et al.                                      |   |
|                    |                       | US- 6,098,096   | 08-01-2000                     | Tsirigotis et al.                                  |   |
|                    |                       | US- 6,141,754   | 10-31-2000                     | Choy   |   |
|                    |                       | US- 6,324,570   | 11-27-2001                     | Tonchev et al.                                     |   |
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|                    |                       | US- 5,523,854   | 06-04-1996                     | Hornsby  |   |
|                    |                       | US- 5,557,320   | 09-17-1996                     | Krebs  |   |
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|                    |                       | US- 5,920,700   | 07-06-1999                     | Gordon et al.                                      |   |
|                    |                       | US- 6,003,082   | 12-14-1999                     | Gampper et al.                                     |   |
|                    |                       | US- 6,098,064   | 08-01-2000                     | Pirolli et al.                                     |   |
|                    |                       | US- 6,134,584   | 10-17-2000                     | Chang et al.                                       |   |
|                    |                       | US- 6,240,460   | 05-29-2001                     | Mitsutake et al.                                   |   |
|                    |                       | US- 6,208,661   | 03-27-2001                     | Marshall   |   |
|                    |                       | US- 6,332,023   | 12-18-2001                     | Porter et al.                                      |   |

**FOREIGN PATENT DOCUMENTS**

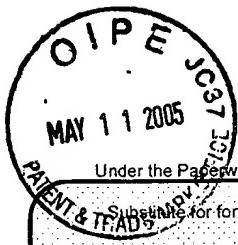
| Examiner Initials* | Cite No. <sup>1</sup> | Foreign Patent Document<br>Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>Or Relevant Figures Appear | T <sup>6</sup> |
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| Examiner Signature | Date Considered |
|--------------------|-----------------|
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## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

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Sheet 2 of 3

| Complete if Known      |              |
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| Application Number     | 09/853,816   |
| Filing Date            | May 11, 2001 |
| First Named Inventor   | Tobagi       |
| Art Unit               | 2665         |
| Examiner Name          | Phan         |
| Attorney Docket Number | PA16869US    |

**U. S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

Examiner Signature \_\_\_\_\_ Date Considered \_\_\_\_\_

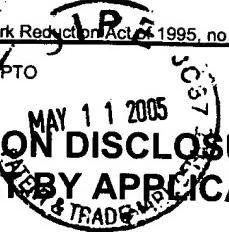
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**(Use as many sheets as necessary)**

Sheet 3 of 3 Attorney Docket Number PA1689US

## **NON PATENT LITERATURE DOCUMENTS**

|                       |  |                    |  |
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| Examiner<br>Signature |  | Date<br>Considered |  |
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